

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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United States of America,  
*ex rel.* Byron Anderson, et al.,

Civ. No. 23-sc-01987 (PJS/LIB)

Plaintiffs,

v.

Minnesota Department of Human  
Services, et al.,

Defendants.

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**THE UNITED STATES' NOTICE OF ITS ELECTION TO DECLINE  
INTERVENTION**

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The United States notifies the Court of its decision declining to intervene in this action under the False Claims Act, 31 U.S.C. § 3730(b)(4)(B).

Although the United States declines to intervene, it remains the real party in interest. *See United States ex rel. Rodgers v. Arkansas*, 154 F.3d 865, 868 (8th Cir. 1998). We respectfully refer the Court to 31 U.S.C. § 3730, which generally allows relators to maintain an action in the name of the United States—provided, however, that the “action may be dismissed only if the court and the Attorney

General give written consent to the dismissal and their reasons for consenting.” 31 U.S.C. § 3730(b)(1). The United States therefore requests that, should either the relators or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

The United States further requests that, under 31 U.S.C. § 3730(c)(3), all pleadings filed in this action be served on the United States and that orders issued by the Court be sent to the Government’s counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action for good cause, and to seek the dismissal of the relators’ action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator’s Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States’ investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Dated: January 19, 2024

Respectfully submitted,

ANDREW M. LUGER  
United States Attorney

*/s/ Lucas B. Draisey*

BY: LUCAS B. DRAISEY  
Assistant United States Attorney  
Attorney ID Number 0401625  
600 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
(612) 664-5600